

REMARKS

In the Office Action mailed November 1, 2004, the Examiner noted that claims 1-35 were pending, that claims 3-5, 7-12 and 24-35 have been withdrawn from consideration, objected to claims 22 and 23 and rejected claims 1, 2, 6 and 13-21. Claims 1, 2, 6, 13-15 and 20-23 have been amended and, thus, in view of the forgoing claims 1, 2, 6 and 13-23 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

In the Office Action the Examiner rejected claims 2, 6 and 14 under 35 U.S.C. section 112 paragraph 2 as indefinite. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

In the Office Action the Examiner objected to claims 15-19, 22 and 23 and indicated that these claims would be allowable if rewritten in independent form and if the rejection for indefiniteness noted above was overcome. These claims have been rewritten and it is submitted that these claims have not been narrowed and have the same scope as prior to being made independent and are now allowable. Withdrawal of the objection is requested.

On page 5 of the Office Action, the Examiner rejected claims 1, 13 and 20-21 under 35 U.S.C. § 102 as anticipated by Donelly.

Donnelly is directed to a system for converting pixel based data into spline based data and in doing so Donnelly "grows" regions. In performing the growing operation Donnelly uses a fixed or predetermined threshold when performing color analysis to expand a region assigned a same color from a seed region (see Donnelly, col. 2, line 62-col. 3, line 10).

As discussed in the application text associated with figure 5 and emphasized in claims 1 and 13, the present invention calculates a color difference between a considered pixel and adjacent pixels, sets a "variable" threshold based on the difference and assigns the adjacent pixels the color of the considered pixel based on the variable threshold. Donnelly does not teach or suggest such.

It is submitted that the present claimed invention patentably distinguishes over Donnelly and withdrawal of the rejection is requested.

Page 9 of the Office Action rejects claim 2 under 35 U.S.C. § 103 over a combination of Donelly and Kapfer. Page 11 of the Office Action rejects claim 14 under 35 U.S.C. § 103 over Donelly and Fujita. Neither of these references add anything to Donelly with respect to a variable threshold.

It is submitted that the invention of claims 2 and 14 distinguishes over the prior art and withdrawal of the rejection is requested.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is also submitted that claims 15-19, 22 and 23 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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